



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Appn. Ser. No. 09/834,848

Art Unit 1775

Filed 4/13/01

Exr. J. Zimmerman

Inventors Hougham et al.

Atty. Dkt. YOR920000548US1

For: DEFORMABLE COATED WICK LIQUID SPILLED MATERIAL TRANSFER

Response to 1/14/03 Notice of Nonresponsive Amendment

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

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Sir:

In response to the 1/14/03 Notice of Nonresponsive Amendment, hereinafter referred to as "the notice" in the above identified application, kindly amend the application by including the following overview and discussion remarks into the record.

It is respectfully requested that the determination of nonresponsiveness be reconsidered because reasons recited as the basis of the notice involve assumed meanings that are different from the facts.

Specifically the following in essence are the listed omissions or matters considered in the notice, as producing perceived unresponsiveness.

"Applicant did not address the rejection under 35 USC 101--" and ,

"applicant's arguments appear to suggest that all pending claims are restricted to the

handling of the spillage of mercury with a high surface area substrate with a gold coating"

Considering first, the actual record in comparison with the assertion in the notice that "Applicant did not address the rejection under 35USC101 set forth in paragraphs 1 and 2 of the 9/26/02 office action.

In the paragraph 2 relied on in the rejection there is stated "because the claimed recitation of a use without setting forth any steps involved in the process, results in an improper definition of a process--".

In this response, in contrast it is applicants position that in the actual record what is being claimed is the structure of a transfer tool for transporting spilled mercury and that process or method terminology is not used in any of the claims.

Considering next the listed matter considered in the notice, as producing perceived unresponsiveness, is the asserted view that "applicant's arguments appear to suggest that all pending claims are restricted to the handling of the spillage of mercury with a high surface area substrate with a gold coating"

In this response, it is applicants position that the asserted view in the notice is missing a critical limitation to a deformable absorber that distinguishes over the art and lends patentability to the structure.

In the remaining claims 6 - 16 the required deformable absorber member has the combined properties of providing such features as filamentary structure, wicking action and interstices for retaining the coating of a material(gold) with a high affinity for the spilled material.

The mercury transfer tool of the invention has two elements, the first is a deformable absorber member in a filamentary arrangement with interstices(Figs.3 A&B elements 5-9 and the second is a coating 7 of a high affinity for mercury material(gold) on the surfaces and into the interstices of the deformable absorber member.

One way to view the claims is as being of the ex parte Jepson type where the preamble is the prior art fact that the cleaning up of spills of mercury is a long standing problem in the art and the improvement over the various ways in the art is the structure of the tool of the invention.

The relationship to the art is urged to be as follows. The examiner has uncovered a fairly crowded art but in a "102" sense, none of the references teaches a deformable absorber transfer tool, and in a "103" sense there is neither such structure in any combination of references nor any suggestion in any combination of references the deformable absorber concept.

It is respectfully urged that applicants have advanced a valuable and patentable step in this art.

Respectfully submitted,

*Alvin J. Riddles* 2/11/03  
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Reg.No. 17862

914 472-0644

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on 2/11/03,  
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*Alvin J. Riddles* 2/11/03  
Signature and date of person making deposit